

REMARKS

By this amendment, claims 20-40 are pending, in which claims 20-37 are currently amended, and claims 38-40 are newly presented. No new matter is introduced.

The Office Action mailed May 4, 2006 rejected claims 20-37 under 35 U.S.C. § 102 as anticipated by *Boccon-Gibod et al.* (US Patent Application Pub. No. 2001/0016836).

Applicants respectfully traverse the rejection for the reasons explained below.

Independent claim 20 recites “a user application tool configured to be installed in a user terminal, the user application tool further configured **to create a unique user key using system information of the user terminal.**” Amended claim 24 recites “**creating a unique user key using system information of a user terminal.**” Claim 27, as amended, recites **creating a unique user key using system information of a user terminal** using a user application tool installed in the user terminal.” Amended claim 30 recites “**creating a user key using unique system information of a user terminal** using a user application tool installed in the user terminal.” Lastly, amended claim 33 recites “each of the user systems being configured to **generate a unique user key based on a system information of the user system.**”

The Office Action, on pages 3 and 4, cites to FIG. 2, 130 and various paragraphs (0008-0009, 0032-0034, and 0041-0043) of *Boccon-Gibod et al.* for a supposed disclosure of the above features. The cited passages, in relevant parts, state the following:

[0008] The present invention relates to a system and method of distributing music and video signals over a network. When a user installs helper software on a client (e.g., a personal computer) a unique communication encryption key and a unique user ID are also installed. The communication encryption key is stored in an opaque format to prevent duplication. When the client initially connects to the server, the server identifies the client based on the unique user ID. Using this information, the server identifies the correct communication encryption key to use to open a secure communication channel with the client.

[0009] In one embodiment **a unique encryption key is generated based on who the user is and what content the user is requesting to download.** Thus, every time a user downloads a new music or video title, it is encrypted in a manner which no other users can decrypt. The encryption key needed to encrypt the digital music or video signal is stored on the client in an opaque format to prevent duplication and unauthorized playback.

As observed in the above passage, *Boccon-Gibod et al.* specifically discloses that the unique encryption key is generated based on **who the user is and what content if the user is requesting to download.** In stark contrast, the claimed features recite “**creating a unique user key using system information of a user terminal.**” User information and content does not relate to the client 130 in the *Boccon-Gibod et al.* system. The other cited passages, paragraphs 0032-0034 and 0041-0043, provide no mention of this feature. Therefore, the anticipation rejection over claims 20-37 is unsustainable, as anticipation under 35 U.S.C. §102 requires that each and every element of the claim be disclosed in a single prior art reference.

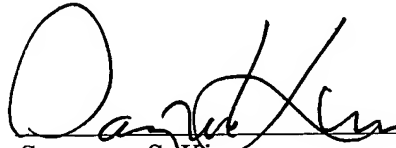
Turning now to newly added claims, new claims 38-40 depend, either directly or indirectly, from amended independent claims 20, 24 and 30 respectively, and thus, allowable at least for the reasons put forth for the allowability of their independent claims.

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date


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